

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

MARTIN SOUZA,	)	CASE NO.1:03CV1236
	)	1:98CR356
	)	
Petitioner,	)	JUDGE CHRISTOPHER A. BOYKO
	)	
Vs.	)	
	)	
UNITED STATES OF AMERICA	)	OPINION AND ORDER
	)	
Respondent.	)	

**CHRISTOPHER A. BOYKO, J:**

This matter is before the Court on Petitioner Laura Souza's Motion to Strike and Motion to Dismiss All Amended Motions and Petitions (ECF Dkt# 42) filed after December 15, 2003. The Court cannot consider Laura Souza's Motion as she is not a licensed attorney and any authority granted her by the Power of Attorney cannot confer upon her the authority to act as legal counsel to her husband. Also, her Motion contends her husband has been taken advantage of by unscrupulous prisoners filing motions in her husband's name. Even assuming this as true, this accusation takes a position contra to her husbands, as he signed those motions filed in this case.

"A party in federal court must proceed either through licensed counsel or on her own behalf." *Powers v. NWA, Inc.*, No. 05-2468, unreported 2006 WL 456184 at \*1 (W.D. Tenn., Feb. 23, 2006.) *See* 28 U.S.C. 1654; *see also* Fed.R.Civ.P. 11(a) ( "[e]very pleading, written

motion, and other paper shall be signed by at least one attorney of record in the attorney's individual name, or, if the party is not represented by an attorney, shall be signed by the party"). "[T]he signing and filing of a pleading on behalf of another person by one who is not a qualified attorney makes that pleading ineffective to vest a court with jurisdiction and warrants that such a pleading be dismissed." *Riddle v. Ruble-Ruparel*, No. 6:04620DCR, 2005 WL 1866052 at \*2 (E.D.Ky., Aug. 3, 2005).

Absent a finding of incompetency by an appropriate court, this Court cannot permit Laura Souza to represent her husband in a representative capacity, nor can it permit her to file motions on his behalf as she is not an attorney. Therefore, the Court Strikes Laura Souza's Motion to Dismiss.

IT IS SO ORDERED.

12/13/06  
Date

Christopher A. Boyko  
CHRISTOPHER A. BOYKO  
United States District Judge